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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,966

02/17/2004

Munsang Kim

8111-039-999

1688

20583

7590

10/23/2006

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER

DUCKWORTH, BRADLEY

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,966

Applicant(s)

KIM ET AL.

Examiner

Bradley H. Duckworth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11 is/are pending in the application.
4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claims 8-10 were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/11/2006.

Information Disclosure Statement

The information disclosure statement was not filed and therefore fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered. The prior art patent detailed in the background section of the specification was considered by the examiner.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Atsukawa(US005279084). Atsukawa teaches a movement mechanism for a telescoping column. In regards to claims 1, and referring to figure 5, the support mechanism comprises a housing (b) with a motor (M), a driving gear(5e) rotated by said motor with a driven gear (5a) in the form of a rotatable nut member(C3 L57-61), which has a spiral groove in the central portion of the nut with the gears being tooth engaged, a flexible screw member (1) which moves linearly up and down through the driven gear and further comprising a telescoping unit including a plurality of sliding members that cooperate with the screw member.

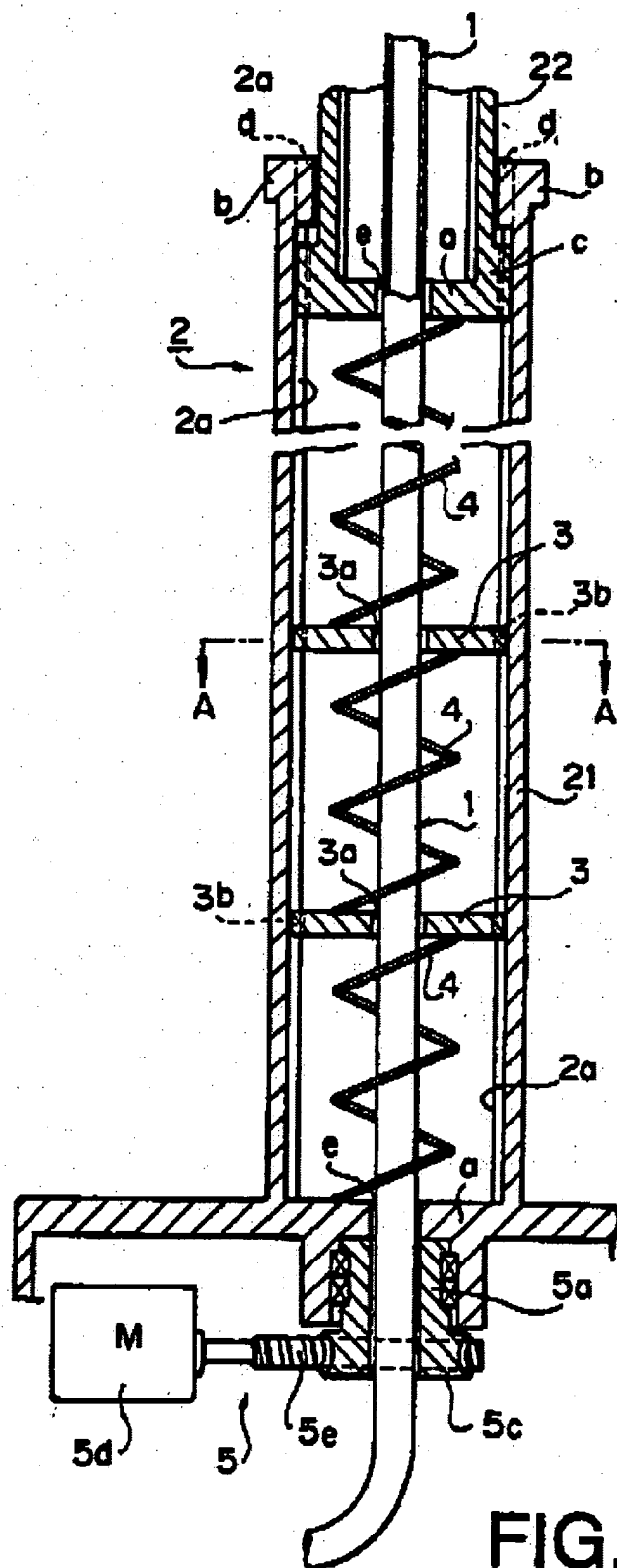


FIG. 5

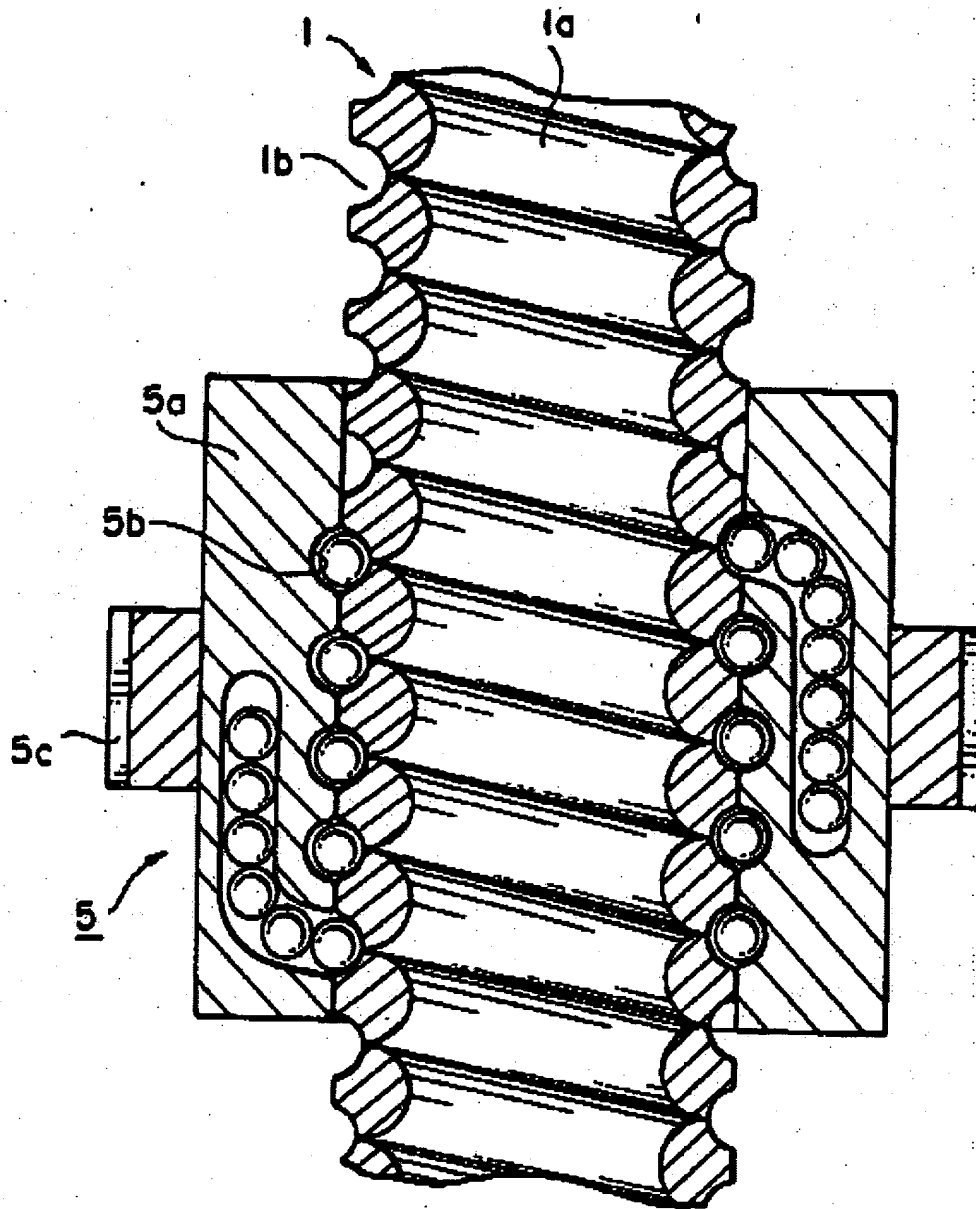
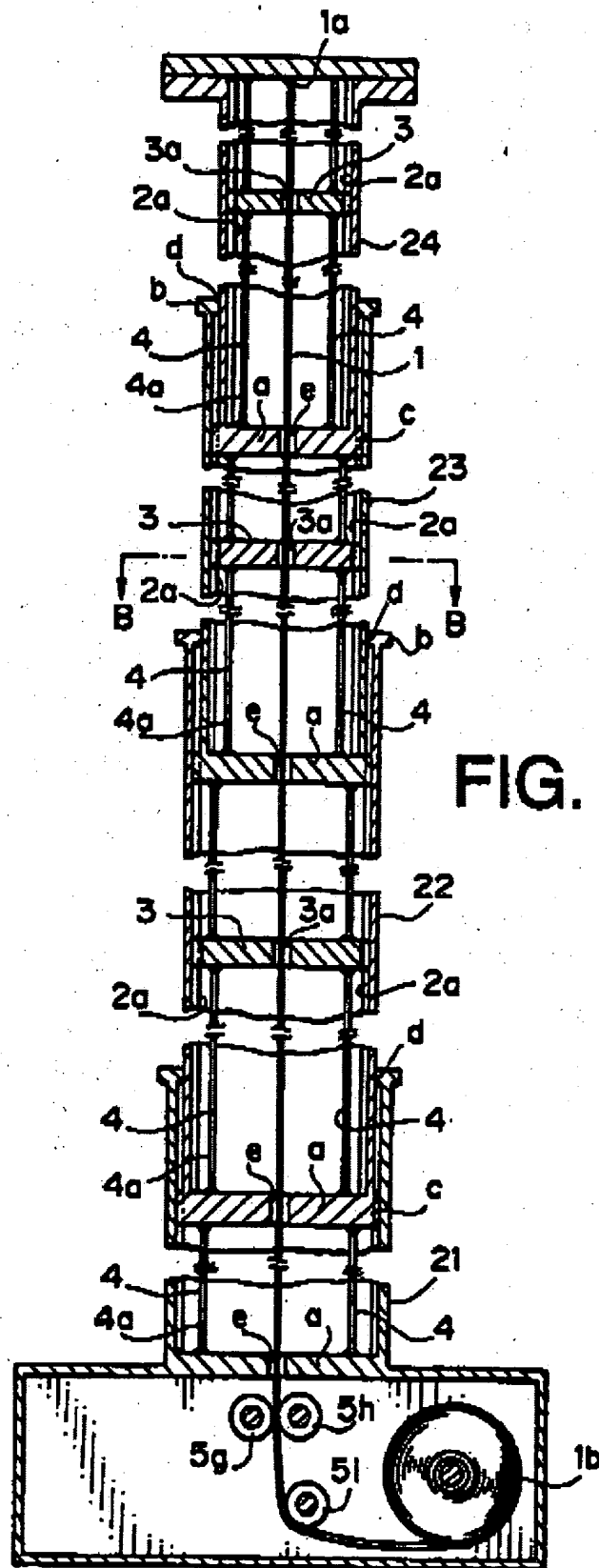


FIG. 2



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Atsukawa. As can be seen in figure 2, one embodiment of the flexible screw member(1) is a coil spring, further it would have been obvious to one of ordinary skill in the art the replace the flexible screw member of figure 5 with the coil spring in figure 2 since Atsukawa states that this embodiment has substantially the same appearance as the usual rod member, as well as being flexible in the axial direction(C4 L30-35), which would be desired as the rod member is flexed axially after it is drawn out of the driven gears and telescoping tubes, as can be seen in figure 5.

Claims 3-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atsukawa. As can be seen in the embodiment of figure 8 and regarding claims 3-6, the sliding members are formed from open ended cylindrical(i.e. circular cross section)

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pipe sections with decreasing cross sectional areas from the first to the last sliding member, with each sliding member being received into the preceding sliding member when retracted, with the first member being received in the housing, with the screw member(1) that is attached to the last sliding member and extends outside the housing in figure 5. Referring again to figure 8 with regard to claim 11, there are rollers (5g, 5i, 5h) for guiding the movement of the screw member. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the above mentioned aspects of the embodiment in figure 8 with the embodiment of figure 5, as this would not change the functionality of either embodiment.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Atsukawa(US005279084) in view of Bertalot(US003887155). Atsukawa does not teach the use of sliding members with cross sections shaped as a polygon. As can be seen in figure 3, Bertalot teaches a telescoping support mechanism with telescoping members having a cross section shaped as a polygon. It would have been obvious to one of ordinary skill in the art at the time of invention to form the sliding members of Atsukawa with a cross section shaped as a polygon because this would prevent rotation of the sliding members, further as stated by the applicant rotation preventing structures are well known (Pg6 Para 32).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley H. Duckworth whose telephone number is 571-272-2304. The examiner can normally be reached on m-f 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



BHD
10/5/2006


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PRIMARY EXAMINER